

Docket No. ORT-1547-US-CIP

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Rames M. Kanojia, et al.

Serial No. : 10/719,875 Art Unit:

Filed : November 21, 2003 Examiner:

For : NOVEL HETEROATOM CONTAINING TETRACYCLIC
DERIVATIVES AS SELECTIVE ESTROGEN RECEPTOR
MODULATORS

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
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May 28, 2004

(Date of Deposit)

Joseph S. Kentoffio
(Name of applicant, assignee, or Registered Representative)


(Signature)

May 28, 2004
(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with the first or second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)
(attached); or
- Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e)
(attached); or
- Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

- Copies of each of the references listed on the attached Form PTO-1449 were filed on in USSN 10/307,735, On December 2, 2002.
- Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
 - In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
 - If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
 - Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application

publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

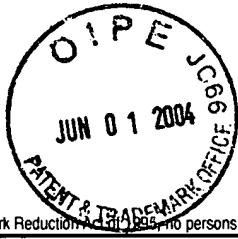
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ORT-1547-US-CIP/JSK. This form is submitted in triplicate.

Respectfully submitted,



Joseph S. Kenoffio
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DATED: May 28, 2004



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

Application Number

10/719,875

Filing Date

11/21/2003

First Named Inventor

Ramesh M. Kanodia

*Group Art Unit**Examiner Name**Attorney Docket Number*

ORT-1547-US-CIP

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Kind Code ²	Number (if known)			
		5,395,842	A	Labrie et al.	03-07-1995	
		5,686,465	A	Labrie et al.	11-11-1997	
		5,840,735	A	Labrie et al.	11-24-1998	
		6,060,503	A	Labrie et al.	05-09-2000	
		6,133,458	A	Bell et al.	10-17-2000	
		6,153,768	A	Jo et al.	11-28-2000	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		EP	0470310	B1	Council of Scientific and Industrial Research	02-12-1992		
		GB	1094806			12-13-1967		
		IND	173337		Council of Scientific and Industrial Research	04-09-1994	Abstract	
		WO	93/10741	A2	Endorecherche Inc.	06-10-1993		
		WO	96/26201	A1	Endorecherche Inc.	08-29-1996		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 3

<i>Application Number</i>	10/719,875
<i>Filing Date</i>	11/21/2003
<i>First Named Inventor</i>	Ramesh M. Kanodia
<i>Group Art Unit</i>	
<i>Examiner Name</i>	
<i>Attorney Docket Number</i>	ORT-1547-US-CIP

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Examiner's Initials*	Cite No. ¹	
		Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
		ALBERT, J.L. et al.: "Estrogen Regulation of Placental Alkaline Phosphatase Gene Expression in a Human Endometrial Adenocarcinoma Cell Line ¹ "; Cancer Research 50, 1990, pp. 3306-3310.
		ALLAN, G.F. et al.: "An Ultrahigh-Throughput Screening Assay for Estrogen Receptor Ligands"; Analytical Biochem. 275, 1999, pp. 243-247.
		BARAN-MARSZAK, M. et al.: "Nouvelle synthese de lla dehydrorotenone et d'autres rotenoides (*>"; No. 34., Manuscript date 21.7.70; pp. 191-198.
		CORNIA, M. et al.: "OXYGEN HETEROCYCLES BY OXIDATION OF <i>ortho</i> -ALKYLPHENOLS. OXIDATION OF <i>ortho</i> -PROPYLPHENOLS."; Gazzetta Chim. Italiana, 107, 1977, pp. 299-304.
		GRESE, T.A. et al.: "Structure--Activity Relationships of Selective Estrogen Receptor Modulators: Modifications to the 2-Arylbenzothiophene Core of Raloxifene"; J. Med. Chem. 1997, 40, pp. 146-167.
		GRESE, T.A. et al.: "Synthesis and Pharmacology of Conformationally Restricted Raloxifene Analogues: Highly Potent Selective Estrogen Receptor Modulators"; J. Med. Chem. 1998, 41, pp. 1272-1283.
		KHAN, K.Z. et al.: "Reaction of Dimethyl Sulphoxide & Acetic Anhydride with 3-Substituted 4-Hydroxycoumarins ² "; Indian J. of Chem. Vol. 24B, 1985, pp. 42-46.
		NICOLAOU, K.C. et al.: "Total Synthesis of Amphoteronolide B and Amphotericin B. 1. Strategy and Stereocontrolled Construction of Key Building Blocks"; J. Am. Chem. Soc. 1998, 120, pp. 4672-4685.
		SAEED, A. et al.: "Structure--Activity Relationship of Antiestrogens. Studies on 2,3-Diaryl-1-benzopyrans"; J. Med. Chem. 1990, 33, pp. 3210-3216.
		SHARMA, A.P. et al.: "Structure--Activity Relationship of Antiestrogens. Effect of the Side Chain and Its Position on the Activity of 2,3-Diaryl-2H-1-benzopyrans"; J. Med. Chem. 1990 33, 3216-3222.

Examiner Signature		Date Considered	
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 3 of 3

Application Number	10/719,875
Filing Date	11/21/2003
First Named Inventor	Ramesh M. Kanojia
Group Art Unit	
Examiner Name	
Attorney Docket Number	ORT-1547-US-CIP

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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